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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,297	09/19/2003	Antti Vaha-Sipila	915-008.014	8405

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EXAMINER

GERGISO, TECHANE

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,297	Applicant(s) VAHA-SIPILA, ANTTI	
	Examiner Téchane J. Gergiso T.G	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 10, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office correspondence is a response to the applicant's amendment filed on July 10, 2006.
2. The applicant amended claims 1 and 6.
3. The applicant added new set of claim 11-23.
4. Claims 1-23 have been considered and restriction of the claims to one invention is required.

Election/Restrictions

5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 and 6 are drawn to a method for **digitally signing data block** of a software module stored on a **removable memory unit** in a **mobile communication terminal** communicating with a **software provider** system and they are classified in class 713 subclass 176 and 180; class 396 subclass 321; class 455 subclass 89 and class 379 subclass 114.
 - II. Claim 11 is drawn to an apparatus of a **hash signal processor** for hashing a software module stored on a memory and a **transmitter** for transmitting a **hashed signal**, an **International mobile station equipment identity code**, and **serial number of the memory unit** to a server of a service provider and they are classified in class 713 subclass 181; class 455 subclass 91; and class 455 subclass 435

III. Claims 14, 15 and 16 are drawn a **server; a terminal device; a transmitter; a signal processor for hashing and a means for checking** whether a hash value signal received from a terminal **matches** a hash value of a software module of a software provider and if matched; **signing identifying information received along hashed value signal and returning signal identifying information to terminal** and they are classified in class 713 subclass 181; class 396 subclass 321; class 455 subclass 89 and class 379 subclass 114.

IV. Claims 20 and 22 are drawn to a method and a device for **enabling integrity checking** of a software module stored on a **removable memory unit** connected to a **mobile terminal**, and **before using the software**, the a mobile terminal has to communicate with a software provider; and a **transmitter for transmitting identifying information of the terminal and removable memory unit** to the software provider and a **receiver for receiving a digitally signed data block** and **allowing the software module to take control of the terminal only if the integrity of the software module properly checks** class 713 subclass 176 and 180; class 396 subclass 321; class 455 subclass 89 and class 379 subclass 114..

6. The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

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separately usable. For example, Group I is a method for digitally signing data block of a software module stored on a removable memory unit in a mobile communication terminal communicating with a software provider system; and Group II is an apparatus of a hash signal processor for hashing a software module stored on a memory and a transmitter for transmitting a hashed signal, an International mobile station equipment identity code, and serial number of the memory unit to a server of a service provider.

Furthermore, Group III is a server; a terminal device; a transmitter; a signal processor for hashing and a means for checking whether a hash value signal received from a terminal matches a hash value of a software module of a software provider and if matched; signing identifying information received along hashed value signal and returning signal identifying information to terminal; and Group IV is a method and a device for enabling integrity checking of a software module stored on a removable memory unit connected to a mobile terminal, and before using the software, the a mobile terminal has to communicate with a software provider; and a transmitter for transmitting identifying information of the terminal and removable memory unit to the software provider and a receiver for receiving a digitally signed data block and allowing the software module to take control of the terminal only if the integrity of the software module properly checks.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their classification, restriction for examination purpose as indicated is proper.

8. Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination as indicated is proper.

9. Because these inventions are distinct for the reason given above and the search strategies required for Group I-VI are mutually distinct, restriction for examination purpose as indicated is proper.

10. Applicants are advised that the replay to this requirement to be completed must include an election of the invention to be examined even though the requirement can be traversed (37 CFR 1.143).

11. Applicant is reminded that upon the cancellation of the claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of the inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by fee required under 37 CFR 1.17(i).

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T-G
Techane Gergiso
Patent Examiner
Art Unit 2137

September 18, 2006

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER